

UNITED STATES DISTRICT COURT
for the EASTERN DISTRICT

-----X
MENACHEM STONE on behalf of
himself and all others similarly situated

Index No. CV-11-5778

Plaintiff,

ANSWER

-against-

KIRSCHENBAUM & PHILLIPS, P.C.

Defendants
-----X

Defendants, KIRSCHENBAUM & PHILLIPS, P.C., answering the
complaint of the plaintiff, alleges as follows:

1. Defendant denies having information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs 1, 2, 10, 11 and 12.
2. Admits the allegations contained in paragraphs 3, 5, 6, 7, 8 and 9.
3. Denies in whole or in part to allegations contained in paragraphs 4, 14, 21 and 22.

CLASS ACTION ALLIGATIONS

4. Defendant's admits that Plaintiff purports to bring this action on behalf of class but denies violations any wrong doing to the extent as alleged in the complaint further denies the lawsuit meets the requirements for a class action.

WHEREFORE, defendant, KIRSCHENBAUM & PHILLIPS, P.C., demands judgment dismissing the within action, with prejudice, and the assessment of costs and disbursements against the plaintiff.

FULL VERIFIED ANSWER

MICHAEL L. KOHL, P.C.
40 Daniel Street Suite 7 P.O. Box 9000 Farmingdale, NY 11735, (516) 746-1144

Dated: Farmingdale, New York
January 30, 2012

KIRSCHENBAUM & PHILLIPS, P.C.
Attorneys for Defendant
KIRSCHENBAUM & PHILLIPS, P.C.

By: 
MICHAEL L. KOHL
40 Daniel Street – Suite 7
P.O. Box 9000
Farmingdale, NY 11735
(516) 746-1144

FULL VERIFIED ANSWER

MICHAEL L. KOHL, P.C.
40 Daniel Street Suite 7 P.O. Box 9000 Farmingdale, NY 11735, (516) 746-1144

UNITED STATES DISTRICT COURT
for the EASTERN DISTRICT

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Index No. CV-11-5778

Plaintiff,

VERIFICATION

-against-

KIRSCHENBAUM & PHILLIPS, P.C.

Defendants
-----X

IRWIN S. KIRSCHENBAUM, being duly sworn, deposes and says:

I am an officer of the Defendant in the within action.

I have read the foregoing Answer and know the contents thereof; the
same is true to my own knowledge, except as to the matters therein stated to be alleged
on information and belief, and as to those matters, I believe it to be true.


IRWIN S. KIRSCHENBAUM

Sworn to before me this
1st day of February, 2012.


Notary Public

COLLEEN SELVAGGIO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SE6180645
Qualified in Suffolk County
My Commission Expires January 14, 2016

FULL VERIFIED ANSWER

UNITED STATES DISTRICT COURT
for the EASTERN DISTRICT

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Plaintiff,

-against-

AFFIDAVIT of SERVICE

KIRSCHENBAUM & PHILLIPS, P.C.

Defendants
-----X

STATE OF NEW YORK }
COUNTY OF NASSAU } ss.:

COE SELVAGGIO, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age, and reside in East Islip, New York.

On 2/1, 2012, deponent served the within ANSWER upon:

ADAM J. FISHBEIN, P.C. (AF – 9508)
Attorney for Plaintiff
483 Chestnut Street
Cedarhurst, NY 11516

the address designated by said attorney for that purpose, by depositing a true copy of same enclosed in a postpaid properly addressed envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York, by REGULAR MAIL.

Sworn to before me this
1 day of Feb 2012.

NOTARY PUBLIC

MICHAEL LAZARUS KOHL
Notary Public, State of New York
No. 30-4681853
Qualified in Suffolk County
Commission Expires Aug. 31 2014

FULL VERIFIED ANSWER

MICHAEL L. KOHL, P.C.

40 Daniel Street Suite 7 P.O. Box 9000 Farmingdale, NY 11735, (516) 746-1144

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UNITED STATES DISTRICT COURT
for the EASTERN DISTRICT OF NEW YORK

MENACHEM STONE on behalf of
himself and all others similarly situated

Plaintiff,

-against-

KIRSCHENBAUM & PHILLIPS, P.C.

Defendants.

VERIFIED ANSWER

MICHAEL L. KOHL, P.C.

Attorneys for Defendant

Office and Post Office Address, Telephone

40 Daniel Street – Suite 7

P.O. Box 9000

Farmingdale, New York 11735

(516) 746-1144

Signature (Rule 130-1.1a)

MICHAEL L. KOHL

To

Attorneys) for

Service of a copy of the within
Dated,

is hereby admitted.

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on
Dated,

at

of which the within is a true copy will be presented for
one of the judges

M.

Yours, etc.

MICHAEL L. KOHL, P.C.

Attorneys for Defendant

Office and Post Office Address, Telephone

40 Daniel Street – Suite 7

P.O. Box 9000

Farmingdale, New York 11735

TO

Attorney(s) for